

April 25, 2022

U.S. Magistrate Judge Stephen L. Crocker  
United States District Court  
Western District of Wisconsin  
120 North Henry Street  
Madison, WI 53703

Re: Joint Notice of Request for Proposed Briefing Schedule on Motion to Dismiss and Motion to Stay

*Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin et al v. Cole, Preston et al*  
3:21-cv-00597

Dear Magistrate Judge Crocker:

This Court today entered an order converting the scheduled preliminary pretrial conference on April 29, 2022, into a telephonic status conference for which no Rule 26(f) report is needed. The parties have conferred about scheduling and write to the Court jointly to propose a briefing schedule on the motions the parties intend to file.

Plaintiff Ojibwe Tribes have challenged Defendant Wisconsin Department of Natural Resources' Gray Wolf hunt in this case. On February 10, 2022, the United States District Court for the Northern District of California issued an order vacating the delisting of the Gray Wolf from the federal list of threatened and endangered species (*Defenders of Wildlife, et al., v. U.S. Fish and Wildlife Service, et al.*, Case No: 4:21-cv-00344-JSW). Plaintiffs twice requested that the Preliminary Pretrial Conference in this matter be adjourned in light of the order in the *Defenders of Wildlife* litigation. On April 11, 2022, two notices of appeal were filed in the *Defenders of Wildlife* litigation. One notice was filed by the National Rifle Association of America and Safari Club International. The other notice was filed by the State of Utah.

Previously, the Court here directed the parties to inform it immediately if the state-court injunction in *Great Lakes Wildlife Alliance, et al. v. Wisconsin Department of Natural Resources, et al.*, Case No. 21-CV-2103 (Dane Cty. Cir. Ct.) is lifted. In a letter to the court dated April 21, 2022, Defendants informed the court that the parties in *Great Lakes Wildlife Alliance* submitted for filing a stipulated dismissal of the case, which was accepted for filing by the state court on April 21, 2022. The stipulated dismissal operates to dissolve the injunction issued in that case.

The parties agree that this case should not, at this time, proceed to discovery. Instead, Plaintiffs intend to file a Motion to Stay this case during the pendency of the appeals in *Defenders of Wildlife*. Defendants intend to file a Motion to Dismiss this case.

Because the two motions raise overlapping issues, the parties suggest a staggered four-brief schedule with the following deadlines:

- Defendants will file their Motion to Dismiss and Brief in Support on or before May 6, 2022;
- Plaintiffs will file their Motion to Stay and Combined Brief in Support of Plaintiffs' Motion for Stay and in Response to Defendants' Motion to Dismiss on or before May 20, 2022;
- Defendants will file their Combined Response to Plaintiffs' Motion for Stay and Reply in Support of Defendants' Motion to Dismiss on or before June 3, 2022; and
- Plaintiffs will file their Reply Brief in Support of Plaintiffs' Motion for Stay on or before June 14, 2022.

If this Court adopts and enters the proposed briefing schedule, then the parties respectfully submit that the April 29, 2022, scheduling conference may be cancelled. If, however, the Court does not adopt that schedule or otherwise wishes to confer with the parties about scheduling, the parties will be happy to do so at the scheduling conference on April 29, 2022.

Respectfully,

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